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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,488	05/02/2005	Reginald Lyall Reid	4503-1011	8568
<small>465 7590 09/14/2009</small> YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER OLSZEWSKI, JOHN	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 09/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,488

Applicant(s)

REID, REGINALD LYALL

Examiner

JOHN R. OLSZEWSKI

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20-53 and 60-62 is/are pending in the application.
- 4a) Of the above claim(s) 27-32, 38, 46-48 and 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-26, 33-37, 39-45, 49-53, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 16 June 2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Election/Restrictions

1. **Claims 27-32 and 46 upon further examination have been found to be directed towards alternate species and are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 31 December 2007.**
2. **Newly submitted claim 62 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: applicant is claiming the axle being above the foot supporting member which is part of species I.**

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 62 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. **Claim 49 is objected to because of the following informalities:** in claim 49, line 3 of page 18 of the claims, applicant writes "them" which appears to be a simple misspelling of "the". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1 and 49 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Specifically applicant writes "at least a portion of the motion-facilitating means below an axis of the motion-facilitating means". Applicant is establishing structure of one item in reference to itself, which is confusing and difficult to understand.

5. **Claim 1 recites the limitation "the wheelbase" in lines 16-17 of the claim.** There is insufficient antecedent basis for this limitation in the claim.

6. **Claim 1 recites the limitation "the wheels" in line 18 of the claim.** There is insufficient antecedent basis for this limitation in the claim.

7. **Claim 49 recites the limitation "the wheelbase" in line 10 on page 18 of the claims.** There is insufficient antecedent basis for this limitation in the claim.

8. **Claim 49 recites the limitation "the wheels" in line 11 on page 18 of the claims.** There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-2, 4-6, 14-18, 20-26, 33-36, 40-41, 49, and 60-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehman (US 5,474,314).**

With regards to claim 1, Lehman discloses:

- At least one foot supporting member (Figure 1, Item 20)

- The foot supporting member including, or including provision for attachment of, at least two axle assemblies (Figure 2)
- Said axle assemblies adapted to receive rotational motion-facilitating means (Figure 1, Items 22a, 22b, 22a', and 22b')
- The personal conveyance characterized by the motion-facilitating means being positioned relative to the foot supporting member such that at least a portion of the motion-facilitating means below an axis of the motion-facilitating means extends in a vertical plane above and perpendicular to a receiving side of the foot supporting member, the foot supporting member oriented horizontally (Figure 1)
- Compression of said each motion-facilitating means increasing a circumferential surface width of said each motion-facilitating means in relation to the amount of compression thereby increasing both the wheelbase of the motion-facilitating means and the contact between the wheels and the surface on which the conveyance is being used in a manner whereby stability is effected of either or both the personal conveyance and a person standing thereon (Figure 1, Items 22a, 22b, 22a', and 22b')

With regards to claim 2, Lehman discloses:

- The personal conveyance is adapted to include steering means (Columns 6-7, Lines 63-22, respectively)

With regards to claim 4, Lehman discloses:

- Wherein stability of either or both the conveyance and a person standing thereon is further effected by at least one of :

- The dimensions of the motion-facilitating means
- The dimensions of the foot supporting member;
- The location of the axle assemblies relative to the length of the foot supporting member;
- The position of either or both the axle assemblies and the foot supporting member relative to the motion-facilitating means effecting a change in the center of gravity of the personal conveyance

The above limitations are present in the design of Lehman's invention.

Since Lehman discloses all of the elements of the claims thus far it follows that the stability is affected by all of the above listed elements due to their interaction with one another.

With regards to claim 5, Lehman discloses:

- Wherein stability of either or both the conveyance and a person standing thereon is further effected by at least one of:
 - Operation of the steering means
 - Operation of the breaking means

The above limitations are present in the design of Lehman's invention.

Since Lehman discloses all of the elements of the claims thus far it follows that the stability is affected by all of the above listed elements due to their interaction with one another.

With regards to claim 6, Lehman discloses:

- Wherein the foot supporting member is dimensioned to be substantially rectangular being adapted to maintain a foot or shoe in position thereon and includes a front leading edge and a rear trailing end (Figure 1, Item 20)

With regards to claim 14, Lehman discloses:

- A first axle assembly, of the at least two axle assemblies, is located towards the front leading end of the foot supporting member (Figures 1 and 2)
- At least one other axle assembly, of the at least two axle assemblies, is located towards the rear trailing end of the foot supporting member (Figures 1 and 2)

With regards to claim 15, Lehman discloses:

- Each axle assembly comprises at least one shaft located transverse of the foot supporting member and capable of independently supporting motion-facilitating means at the outer distal end(s) of the shaft (Figure 2, Items 18 and 18')

With regards to claim 16, Lehman discloses:

- The shaft of each axle assembly is configured to be any one of:
 - A substantially straight elongated shaft (Figure 2, Items 18 and 18')
 - A substantially elongated shaft having stepped portions at at least each outer distal end
 - At least two shorter independent shafts each one being located towards opposite side edges of the foot supporting member
 - Attachable along at least a portion of its length to at least one of the foot supporting member and the steering means

- Integral along at least a portion of its length with at least one of the foot supporting member and the steering means

With regards to claim 17, Lehman discloses:

- The shaft of each axle assembly are:
 - Independent of each other (Figure 2)
 - Pivotaly mounted towards at least the front leading end of the foot supporting member to enable directional movement to be achieved (Figure 2)

With regards to claim 18, Lehman discloses:

- A combination of axle assembly arrangements may be employed dependent upon:
 - The size, number and location of the motion-facilitating means
 - The proposed use of the conveyance including recreational, extreme sport, speed, skills
 - The terrain over which the personal conveyance is designed to travel
- It would follow that a device which has an intended design, for it to be built to cater to the needs and requirements of the activity and environment in which it is to be used, therefore all the above would be inherent characteristics to be imparted on a device in order to alter its basic design

With regards to claim 20, Lehman discloses:

- The motion-facilitating means, when attached to the distal end of an axle of one of the at least two axle assemblies, extends laterally of the foot supporting member (Figure 1, Items 22a, 22b, 22a', and 22b')

With regards to claim 21, Lehman discloses:

- At least a portion of the motion-facilitating means, when attached to the distal end of the axles, extends in the vertical plane above and perpendicular to the horizontal plane of the upper surface of the foot supporting member (Figure 5)

With regards to claim 22, Lehman discloses:

- The motion-facilitating means is attached to the distal ends of the axles such that the center of rotation of the motion-facilitating means is substantially positioned at any one of:
 - Below the lower surface of the foot supporting member (Figure 5)
 - In line with the horizontal plane of the foot supporting member
 - Above the upper surface of the foot supporting member

With regards to claim 23, Lehman discloses:

- The position of the motion-facilitating means relative to the axle and the foot supporting member determines variations in the center of gravity of the personal conveyance as determined for effecting degrees of stability depending on the configuration of the personal conveyance and the use for which it is designed

Since Lehman discloses all of the elements of the claims thus far it would follow that the degree of stability is affected by all of the above listed elements due to their interaction with one another.

With regards to claim 24, Lehman discloses:

- The center of gravity is lowered to effect a preferred stability

Since Lehman discloses all of the elements of the claims thus far it follows that the degree of stability is affected by lowering the center of gravity.

With regards to claim 25, Lehman discloses:

- The motion-facilitating means is one of the group consisting of: wheels, rotating tracks, rollers (Figure 1)

With regards to claim 26, Lehman discloses:

- The motion-facilitating means are configured to include any of an inflatable portion, substantially solid portion, varying spoke arrangements, bearings for a smoother ride and improved motion-facilitating means performance (Figure 1)

With regards to claim 33, Lehman discloses:

- Having larger diameter motion-facilitating means configured to extend in a vertical plane above and perpendicular to the foot supporting member serves as additional support and protection for the users' ankles and/or minimizes the likelihood of the conveyance tipping over on to its side thereby making it less likely that the user may twist his or her ankle

This is present in the design of Lehman's invention. By placing the center of gravity of the device lower to the ground, it follows that the chance of the conveyance tipping is lowered.

With regards to claim 34, Lehman discloses:

- Having larger diameter motion-facilitating means tends to lower the rolling resistance experienced with smaller diameter motion-facilitating means and as such enables speed to be achieved for much less effort

This is present in the design of Lehman's invention.

With regards to claim 35, Lehman discloses:

- When the center of gravity is lowered, less rolling resistance is encountered by each motion-facilitating means because the position of the central axis of rotation of each motion-facilitating means is such that the position of the center of rotation of the motion-facilitating means relative to the foot supporting member is raised

In as much as applicant's device achieves this so does the invention of Lehman.

With regards to claim 36, Lehman discloses:

- Less rolling resistance and the diameter of the motion-facilitating means enables the personal conveyance to be used more effectively on uneven ground, grassed surfaces, and graveled surfaces

In as much as applicant's device achieves this so does the invention of Lehman.

With regards to claim 40, Lehman discloses:

- The steering means includes pivoting means and resilience means (Figure 3)

With regards to claim 41, Lehman discloses:

- The pivoting means is centrally positioned in relation to at least axle means located towards the front leading end of the foot supporting member (Figure 3)

Method claim 49 is also rejected under this rejection since all of the structure has been found to have been disclosed in the prior art of record, therefore the structure used to reject the apparatus claims can be made by the method as claimed.

[claim 60] wherein the at least two axle assemblies attach directly to the foot supporting member (Figure 2); **[claim 61]** wherein a distance between the at least two axle assemblies is less than the foot supporting member's length (Figures 1 and 2).

10. Claims 1 and 60-61 rejected under 35 U.S.C. 102(b) as being anticipated by Buss (US 3,953,041).

[claim 1] A personal conveyance for recreational use, the conveyance including: a foot supporting member (Figure 1, Items 11 and 12), the foot supporting member including, or including provision for attachment of, at least two axle assemblies (Figure 2, Items 20 and 39), said axle assemblies adapted to receive rotational motion-facilitating means (23), the personal conveyance characterized by the motion-facilitating means being positioned relative to the foot supporting member such that at least a portion of the motion-facilitating means below an axis of the motion-facilitating means extends in a vertical plane above and perpendicular to a receiving side of the foot supporting member, (Figure 1) the foot supporting member oriented horizontally and compression of said each motion-facilitating means increasing a circumferential surface width of said each motion-facilitating means in relation to the amount of compression thereby increasing both the wheelbase of the motion-facilitating means and the contact between the wheels and the surface on which the conveyance is being used in a manner

whereby stability is effected of either or both the personal conveyance and a person standing thereon (Item 24 is composed of rubber, which naturally has the characteristics described by applicant in that under compression rubber would compress to provide a larger footprint; **[claim 60]** wherein the at least two axle assemblies attach directly to the foot supporting member (Figures 1 and 2); **[claim 61]** wherein a distance between the at least two axle assemblies is less than the foot supporting member's length (Figures 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 7-9 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman (US 5,474,314) in view of Wyndham (US 1,768,228).

With regards to claim 7, Lehman lacks, but Wyndham teaches:

- The dimensions of the foot supporting member are adjustable via adjustment means (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Lehman in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

With regards to claim 8, Lehman lacks, but Wyndham teaches:

- The adjustment means to adjust the dimensions of the foot supporting member includes provision to extend the length of the foot supporting member by longitudinal movement of portions of the foot supporting member via at least one of a screw system, a ratchet system, a sliding system each of which is securable following the adjustment (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Lehman in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

With regards to claim 9, Lehman lacks, but Wyndham teaches:

- The dimensions of the foot supporting member are adjustable to accommodate variations in a size of at least one of a user's feet, shoes, and custom-made footwear of varying sizes specifically manufactured for use with the personal conveyance (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Lehman in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

With regards to claim 37, Lehman lacks, but Wyndham teaches:

- The dimensions of the foot supporting member are variable (Figures 1 and 2, Items 9, 10, and 11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Wyndham and incorporate them into the invention of Lehman in order to provide a foot supporting member that can be used to fit multiple users with different foot sizes.

12. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman (US 5,474,314) in view of Wyndham (US 1,768,228), and further in view of Hosoda (US 5,975,229).

With regards to claim 10 Lehman lacks, but Hosoda teaches:

- The foot supporting member is also adapted to include gripping means (Figure 2, Item 12)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Hosoda and incorporate them into the invention of Lehman in order to provide a more firm and secure attachment between the user and the device.

With regards to claim 11 Lehman lacks, but Hosoda teaches:

- The gripping means effects at least one of:
 - Minimizing longitudinal and/or lateral movement of the users' foot or shoe (Figure 2, Items 10a, 10b, and 12)
 - Gripping a custom-made manufactured shoe specifically included on or attachable to the foot supporting member
 - Re-positioning of the user's foot or shoe;
 - Ensuring a correct fit for the user's foot or shoe size and shape
- on the foot supporting member (Figure 2)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Hosoda and incorporate them into the invention of Lehman in order to provide a more firm and secure attachment between the user and the device.

With regards to claim 12 Lehman lacks, but Hosoda teaches:

- The gripping means further effects at least one of:
 - Improved maneuverability of the conveyance
 - The ability to initiate and maintain preferred operation of the conveyance
 - The safety for the user by minimizing the likelihood of the foot/shoe becoming loose from the conveyance,
 - Minimizing the likelihood of injury, particularly to the user's ankles

The above limitations are present in the teachings of Hosoda. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Hosoda and incorporate them into the

invention of Lehman in order to provide a more firm and secure attachment between the user and the device.

With regards to claim 13 Lehman lacks, but Hosoda teaches:

- The gripping means includes one of the following:
 - A fixing apparatus from a group consisting of: straps, screws, buckles, hook and pile systems, press studs, ties, bolts, with or without safety release systems (Figure 2, Items 10a, 10b, and 12)
 - Configured portions of a gripping nature including portions on the surface of the foot supporting member to receive and hold a foot or shoe in place on the foot supporting member, or improve traction of the surface of the foot supporting member, with or without safety release systems (Figure 1, Items 10a, 10b, 11, and 12)
 - whether the shoe is attached permanently or temporarily to the foot supporting member

It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Hosoda and incorporate them into the invention of Lehman in order to provide a more firm and secure attachment between the user and the device.

13. Claims 3, 39, 50-51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman (US 5,474,314) in view of Chao (US 4,951,958).

With regards to claim 3, Lehman lacks, but Chao teaches:

- Wherein the personal conveyance is also adapted to include optional braking means (Item 81 of Chao)

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Chao and incorporate them into the invention of Lehman in order to provide a means of stopping the conveyance in an emergency situation or to avoid certain obstacles.

With regards to claim 39, Lehman lacks, but Chao teaches:

- The optional braking means includes a stop which is deployed against the ground surface by tipping the rear or front end of the foot supporting member downwards (Figure 7, Item 106)

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the teachings of Chao and incorporate them into the invention of Lehman in order to provide a means of stopping the conveyance in an emergency situation or to avoid certain obstacles.

Method claims 50-51 and 53 are also rejected under this rejection since all of the structure has been found to have been disclosed and taught in the prior art of record, therefore the structure used to reject the apparatus claims can be made by the method as claimed.

Claim Rejections - 35 USC § 103

14. Claims 42-45 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman (US 5,474,314) in view of Tuan (US 2003/0057670).

With regards to claim 42 Lehman lacks, but Tuan teaches:

- At least a portion of the pivoting means is integrally molded with the axle means and is attachable to the foot supporting member via attachment means, wherein the attachment means are one of pins, nuts and bolts, and screws (Figure 1, in as much as applicant's; Item 23 [attachment means])

Therefore it would have been obvious to one having ordinary skill in the art to incorporate the teachings of Tuan into the invention of Lehman in order to provide a cheaper means of providing a suspension and steering system to the conveyance.

With regards to claim 43 Lehman lacks, but Tuan teaches:

- The resilience means includes at least one pair of compressible springs positioned along the axle shaft at least one of the front leading end and the rear trailing end of the foot supporting member (Figure 1, Items 25)

Therefore it would have been obvious to one having ordinary skill in the art to incorporate the teachings of Tuan into the invention of Lehman in order to provide a more adjustable suspension and steering system to accommodate more discerning riders.

With regards to claim 44 Lehman lacks, but Tuan teaches:

- The springs at the front leading end of the foot supporting member are lighter than the springs at the rear trailing end of the foot supporting member

It would have been obvious to one having ordinary skill in the art to take the teaching of a dual coil spring suspension that is being used in the teachings of Tuan and incorporate them into the invention of Lehman in order to provide a

more adjustable suspension and steering system in order to accommodate more discerning riders. In doing so it would be desirable to one of ordinary skill in the art to vary the spring constants between the front and the rear to alter the accelerating, decelerating and turning characteristics of the invention to perform better in specific intended environments. In varying the spring constants and maintaining the spring heights being consistent conventionally one set of springs becomes heavier than another set of springs.

With regards to claim 45 Lehman lacks, but Tuan teaches:

- The steering means is operable to effect steering via the user shifting body weight and effecting compression of at least one front and/or one rear spring to effect pivoting of the pivoting means and the axle means resulting in turning of the motion facilitating means and a directional change of the personal conveyance (Figure 1)

Therefore it would have been obvious to one having ordinary skill in the art to incorporate the teachings of Tuan into the invention of Lehman in order to provide a more adjustable suspension and steering system to accommodate more discerning riders.

Method claim 52 is also rejected under this rejection since all of the structure has been found to have been disclosed and taught in the prior art of record, therefore the structure used to reject the apparatus claims can be made by the method as claimed.

Response to Arguments

15. Applicant's arguments with respect to all claims under Hosoda have been considered but are moot in view of the new ground(s) of rejection.

16. Applicant's arguments filed 16 June 2009 have been fully considered but they are not persuasive. Specifically, applicant's arguments with respect to the rejection under Buss are incorrect, applicant does not establish which axis of the wheel, a wheel can have an axis drawn at many positions, it seems applicant is arguing narrower than claim language the axis has not been claimed as a central axis of the wheel or any other equivalent thereof. Also, applicant's choice of claim language, which is being argued has been now rejected under 35 U.S.C. 112.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. OLSZEWSKI whose telephone number is (571)272-2706. The examiner can normally be reached on M-Th 5:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. R. O./
Examiner, Art Unit 3618

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617